

Regular Session, 2010

SENATE BILL NO. 46

BY SENATOR APPEL

CIVIL PROCEDURE. Provides relative to motions for a new trial in parish and city courts.  
(8/15/10)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 4907(B), relative to procedure in parish  
3 and city courts; to provide relative to the delay for applying for a new trial; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Art. 4907(B) is hereby amended and reenacted  
7 to read as follows:

8 Art. 4907. New trials; delay in parish or city courts

9 \* \* \*

10 B. The delay for applying for a new trial shall be ~~three~~ seven days, exclusive  
11 of legal holidays. Where notice of judgment is required, this delay commences to  
12 run on the day after the clerk has mailed, or the sheriff has served, the notice of  
13 judgment.

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The original instrument was prepared by Camille Sebastien Perry. The following digest, which does not constitute a part of the legislative instrument, was prepared by Angela Lockett De Jean.

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#### DIGEST

Appel (SB 46)

Present law provides for a three-day delay for applying for a new trial, exclusive of holidays, commencing to run the day after the clerk has mailed, or the sheriff has served the notice of judgment when such notice is required.

Proposed law increases the delay for applying for a new trial from three to seven.

Proposed law clarifies present law by specifying that "holidays" refer to legal holidays.

Effective August 15, 2010.

(Amends C.C.P. Art. 4907(B))

#### Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Clarifies holidays to mean "legal" holidays.